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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,011	03/12/2001	Jeffrey Nayhouse		8879

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EXAMINER	
HAROLD, JEFFEREY F	
ART UNIT	PAPER NUMBER

2644

8

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,011

Applicant(s)

NAYHOUSE ET AL.

Examiner

Jefferey F Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9,13,19,21-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9,13,19,21-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-3, 7, 13, 19, 21-25, 27 and 29*** are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al. (United States Patent 6,751,311), hereinafter referenced as Arnold.

Regarding **claim 1**, Arnold discloses a telephonic apparatus with automatic preceding number dialing capability responsive to dedicated function key operation. In addition, Arnold discloses a telephone, comprising: a) an input device for entering keyed in digits corresponding to area code digits and local digits of a telephone number; b) an area code memory; c) a user default area code switch selection device that is selectively user-switchable at any one time to exactly on among a plurality of distinct states, each state being associable with a distinct area code in the area code memory, a selected state designated a current default state, which current default state is maintained independently of any of the keyed in digits that correspond to area code digits; and d) a processor programmed to retrieve from the storage an area code associated with the current default state and prepend the retrieved area code to any

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keyed in local digits and transmit a signal corresponding to a combined telephone number that comprises the retrieved area code and the keyed in local digits, as disclosed at column 8, line 60 through column 10, line 24 and exhibited in figures 1 and 2.

Regarding **claim 2**, Arnold discloses everything claimed as applied above (see claim 1), in addition, Arnold discloses a processor programmed to compare the keyed in digits with each sequence of a list of special number sequences that are not valid for beginning a local telephone number and transmit the telephone signal codes that are dependent on the result of the comparison, as disclosed at column 20, line 14 through column 21, line 44 and exhibited in figure 13.

Regarding **claim 3**, Arnold discloses everything claimed as applied above (see claim 1), in addition, Arnold discloses wherein the real-time input device is a keypad, as exhibited in figure 1.

Regarding **claim 7**, Arnold discloses everything claimed as applied above (see claim 1), in addition, Arnold discloses a display (108), as exhibited in figure 1.

Regarding **claim 13**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1 and 2.

Regarding **claim 19**, Arnold discloses everything claimed as applied above (see claim 1), in addition, Arnold discloses wherein the telephone is a wireless telephone, as disclosed at column 9, line 61 through column 10, line 11.

Regarding **claim 21**, Arnold discloses everything claimed as applied above (see claim 1), in addition, Arnold discloses wherein the user selected area code button,

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which reads on “user default area code selection device”, remains in the in use, which reads on “comprising a state retainer”, such that once switched by a user to a state, the selection device remains in the state, irrespective of whether any calls to other area codes are dialed, until switched by a user to another state, as disclosed at column 8, line 18 through column 10, line 24 and exhibited in figure 1.

Regarding **claim 22**, Arnold discloses everything claimed as applied above (see claim 1), in addition, Arnold discloses wherein the user default area code selection device comprises a plurality of push button dedicated to selecting a default area code without generating any keyed in digits irrespective of the duration each of the plurality of the push buttons remains pushed, as exhibited in figure 1.

Regarding **claims 23-25, 27, and 28**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-3, 7, 19, 21, and 22.

Regarding **claim 29**, Arnold discloses everything claimed as applied above (see claim 2), in addition, Arnold discloses the list of special number sequences includes the sequence “911”, as disclosed at column 20, line 14 through column 21, line 50 and exhibited in figure 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 4, 5, 8, 9 and 26*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, Arnold disclose everything claimed, as applied above, (see claim 1), however, Arnold fails to disclose wherein the input device is a virtual keypad. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the input device is a virtual keypad.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arnold by specifically providing wherein the input device is a virtual keypad, for the purpose of touch screen input of dialed digits.

Regarding **claim 5**, Arnold disclose everything claimed, as applied above, (see claim 1), however, Arnold fails to disclose wherein the input device is a voice input device. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the input device is a voice input device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arnold by specifically providing wherein the input device is a voice input device, for the purpose of eliminating key strokes to process a call.

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Regarding **claim 8**, Arnold and well know prior art disclose everything claimed, as applied above, (see claim 7), in addition it is inherent that there is electrical circuitry provided to support the display of the virtual push buttons.

Regarding **claim 9**, Arnold and well know prior art disclose everything claimed, as applied above, (see claim 8), in addition Arnold discloses a display of an area code selection menu, further it is inherent to one of ordinary skill in the art that there is circuitry present to support the display of an area code.

Regarding **claim 26**, it is interpreted and thus rejected for the reasons set forth above in the rejection of claim 8.

Response to Arguments

3. Applicant's argument with respect to claim 1 has been considered but is moot in view of the new ground(s) of rejection.

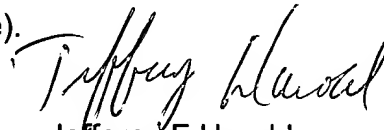
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jefferey F Harold
Examiner
Art Unit 2644

JFH
October 12, 2004